



WEB COPY



W.P.No.3578 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3578 of 2025

And

W.M.P.No.3964 of 2025

The Management
rep. by its General Manager,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Thiruvannamalai Region,
Thiruvannamalai.

... Petitioner

Vs.

The Vice President,
District General Labour Union,
North Arcod,
Reg.No.285/NAT/1980,
No.5, (18), Amritha Lingam Swamy Temple Street,
Kozapettai, Vellore – 632 001.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order dated 17.05.2023 passed in I.D.No.54 of 2022, Labour Court, Vellore and quash the same.

For Petitioner : Mr.M.Aswin



W.P.No.3578 of 2025

ORDER

WEB COPY

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the order dated 17.05.2023 passed in I.D.No.54 of 2022, Labour Court, Vellore and quash the same.

2.The case of the petitioner is that one Kamalakkannan joined as Conductor in the petitioner Corporation on 24.02.2014 and he was made permanent on 03.12.2014. On 03.04.2016 while he was in service in respect of bus TN21N0754 route 55/A, due to his negligence one passenger aged about 70 years died while he attempted to get down from the bus and hence the said Kamalakkannan was issued with charge memo on 10.05.2016 and was subjected to departmental enquiry and since the Enquiry Officer drawn proven minute, the said Kamalakkannan was imposed with the punishment of postponement of increment for two years with cumulative effect vide order dated 09.06.2014. Challenging the same, he raised industrial dispute through the respondent Union in I.D.No.54 of 2022 before the Labour Court and the Labour Court vide impugned order set aside the punishment imposed on the said Kamalakkannan. Hence, this writ petition.



W.P.No.3578 of 2025

WEB COPY

3.The learned counsel appearing for the petitioner submitted that it is the duty cast upon the Conductor to prevent accident in the bus and ensure the safety of the passengers. In the present case, the said Kamalakkannan allowed the passenger to get down from the moving bus and thereby the accident occurred and hence, he was imposed with the punishment of postponement of increment for two years with cumulative effect, however, the Labour Court set aside the punishment imposed on him, which is not sustainable one.

4.Heard the learned counsel appearing for the petitioner and perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the respondent, notice to the respondent is dispensed with.

5.Perusal of records disclose that one Elumalai aged about 70 years, while trying to get down from the front side of the bus before the bus stopped in the bus stop, fell down and lost his life. Normally, the Conductor will sit on the rear side of the bus and the duty of the Conductor is to issue tickets and to ensure whether tickets were issued



W.P.No.3578 of 2025

M.DHANDAPANI,J.

pri

WEB COPY

to all the passengers. In the present case, all of a sudden one passenger got down and hence the negligence could not be fastened on the Conductor and the said issue was rightly appreciated by the Labour Court and the Labour Court set aside the punishment which is perfectly in order.

6.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2025

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Labour Court,
Vellore.

W.P.No.3578 of 2025

And

W.M.P.No.3964 of 2025

05.02.2025